

REMARKS

In response to the Office Action of September 19, 2005, Applicant has canceled claims 1-6. Claims 7-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mellace in view of White. The Examiner is of the position that it would be obvious to combine the disclosures of White with Mellace and arrive at Applicant's apparatus as claimed.

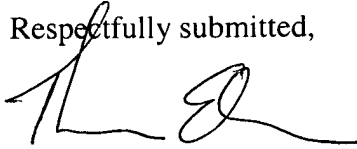
Mellace discloses a chair with a pouch on the back for holding items such as towels. White teaches a cushion which may be placed on the seat or hooked to a backrest of a chair to cool a person sitting in the chair. The Examiner's combination would result in a chair having a cushion in front of a backrest which cooled rather than a pouch for ice on the seat back. There is no suggestion to make a seat back of water-resistant material so that use of a cooling cushion of White can be eliminated. White teaches hooking the pouch on the chair not replacing the seat back with the pouch.

Although the Examiner's combination would result in an apparatus that functioned as disclosed in Applicant's application, it does not meet the limitations of the claim. There is absolutely no teaching or suggestion to make a chair having a backrest formed of water-resistant material having a pouch behind that backrest for holding ice to cool the user. The Examiner's combination does not meet the structure as claimed. Thus there is a structural difference between the claimed invention and the prior art. Applicant has claimed a backrest of water-resistant material having a pouch attached to the back side. There is no teaching in White that

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relates to making a seat back of water-resistant material. Accordingly, Applicant respectfully requests reconsideration of the rejection under 35 U.S.C. §103.

Respectfully submitted,



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